

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SIMON SCHATZMANN, JOHN  
MESSINA, and JOHN LEZOTTE,

Plaintiffs,

-v.-

HARRIS PARTNERS LTD., HARRIS  
TRUST PARTNERS LLC, and  
EDWARD P. HARRIS,

Defendants.

21 Civ. 7301 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Defendant/Putative Counter-Claimant Harris's *ex parte* letter dated December 21, 2022, addressing Harris's efforts to obtain counsel. The Court is in communication with the Bureau of Prisons ("BOP") and is assured that FCI Otisville will make Harris available for calls and meetings with potential counsel within reason.

Harris shall file a letter on the docket on or before **March 31, 2023**, informing the Court of whether he has retained counsel in this matter. In the meantime, Harris shall promptly inform the Court if he continues to have difficulties communicating with prospective counsel. If Harris retains counsel before March 31, 2023, such counsel shall promptly file a notice of appearance and a joint letter proposing the next steps in this case.

The Court recognizes that Plaintiffs requested a conference regarding a potential motion to strike and/or dismiss more than eight months ago and commends their patience as Harris attempts to retain counsel while

incarcerated. (See Dkt. #22). In order to avoid further delay of this action, if Harris is unable to retain counsel by March 31, 2023, the Court will hold a conference to set a briefing schedule for all potential motions, at which Harris may proceed *pro se*.

The Clerk of Court is directed to mail a copy of this Order to Defendant's address of record as reflected in the Court's April 22, 2022 Order (Dkt. #24).

SO ORDERED.

Dated: January 3, 2023  
New York, New York



---

KATHERINE POLK FAILLA  
United States District Judge